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Hysteria Is No Substitute For Diplomacy

The situation between Moscow and Washington is bad enough without the hysterical exaggerations in which much of our press is indulging. The *New York Times*, I am sorry to say, is among the worst offenders. Its editorial (June 12) on the Berlin question, "The Issue Is Peace," was frenetic in tone and striking in its misrepresentations. Thus it said the Russians were proposing to "establish a 'free city' of Berlin stripped of protecting Western troops." But the text of the Soviet memorandum on Germany, as printed on page 13 of that same day's paper, said "As a guarantor of the free city, token contingents of troops of the U.S., the United Kingdom, France and the Soviet Union could be stationed in West Berlin, nor would the U.S.S.R. object to the stationing in West Berlin of troops of neutral countries under United Nations auspices. . . ."

Not An Ultimatum

Similarly the next day's *New York Times* played the submission of the Soviet memorandum on nuclear testing at Geneva under scare headlines, "Soviet Ultimatum On Atomic Parley Is Given to West." By contrast the *New York Herald-Tribune* the same day merely said, "Geneva Gets K's Memo on Arms Talk." The *London Times* headed its story from Geneva on the submission of the memo, "Geneva Nuclear Tests Pact Outlook 'Even Murkier'." The text of the memo as printed in the *New York Times* last Monday was deeply disappointing but it was hardly an ultimatum.

The crux of the problem in the Reich is not the freedom of West Berlin. So long as Western troops, token or otherwise, were in the city, any attempt to cut off their supply lines would risk world war, whether the Soviet Union or East Germany were nominally in control of the access routes. The real change which Adenauer fears was indicated by the speech he made in Bamberg saying that the Soviet memo showed Moscow's major interest to be the "perpetuation" of Soviet postwar gains in Central Europe. In other words a peace treaty would give international recognition to the present boundaries of the two German States and to the division of Germany. West Germany has not given up hope of taking over East Germany on its own terms and of "peacefully" reestablishing its 1937 frontiers. The issue is not Berlin, which we can protect, but how far we propose to go in supporting this German dream—and this German dream, one may add, is the East European nightmare. This is what the Soviet memo means when it says, "The question of a peace treaty is the question of the national security of the U.S.S.R. and many other states." We can negotiate new and firmer guarantees for West Berlin merely in return for de facto recognition of East Germany. If we don't negotiate and Moscow signs a separate pact and hands over the control routes, we may lose our bargaining power. We will hardly go to war if East Germans instead of Russians begin to stamp the military traffic passes to Berlin as they already do those for interzonal German trade and travel.

A little less frenzy and a little more thought is also required by the Soviet memo on nuclear testing. It may well be that the Russians are looking for an excuse to resume testing; if so, it is to our interest to go on negotiating and force them to bear the onus of resumption. There is reason to suspect that the Russians would be glad to "test n' talk," the formula being put forward by the pro-test forces in Congress. We have made many more tests than the Russians; we are well ahead; we stand to lose if they catch up, and they, rather than us, might turn up with a new surprise weapon if testing resumes. It would be better if, instead of this hobgoblin talk about secret Russian tests, our scientists reported soberly on what renewed testing would give the Russians.

The Russian demand for a three-headed executive is not so different from the Security Council where the rule of unanimity prevails. It may not be good enough but conceivably it may be better than resumption of the race in nuclear armament. The Soviet memo says the agreed upon on-site inspection quota would not be subject to veto if there is an "objective reading" which indicates a suspected nuclear explosion. To establish monitoring stations on Soviet soil, to put Westerners in them and to have a quota of on-site inspections not subject to veto would give us far more control than we have now. We ought to press for specifics and take a good look before replying.

Mansfield Talks Sense on Berlin

"I have long questioned and I continue to question a status quo which places us in the position, in effect, of pleading with or urging the Russians not to withdraw their military forces from the Westernmost point of penetration which they reached in Europe in the wake of World War II; yet our present position on Berlin requires that we do precisely that. Furthermore, Mr. President, I do not think we can safeguard most effectively our own interests or advance the interests of peace when we insist upon remaining directly under a Communist sword of Damocles, as is now the case in Berlin, if a rational alternative may be found to that position through diplomacy. Further, Mr. President, I have long questioned a position on Berlin which was assumed immediately after World War II and has been maintained unchanged despite the enormous changes which have occurred in both parts of Germany and in Europe since that time. Finally I question a position which, through subordinate irresponsibility, error or provocation on either side invites the precipitation of a nuclear conflict."

—Mansfield (D. Mont.) to the Senate June 14

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Split Hairs Free An HUAC Contempt Victim and Produce A Pro-Communist Ruling

Split Judges and Split Consciences Explain Two Liberal Court Decisions

The conservative *Washington Star* (June 7) while approving was apprehensive about the new Supreme Court rulings upholding the membership clause of the Smith Act and the registration provisions of the Internal Security Act, warning its readers that the rulings were circumscribed and by a margin of one vote only. Both points of anxiety were given substance last Monday when by a shift of one vote, the Court reversed the conviction of Bernhard Deutch for contempt of the House Un-American Activities Committee, and then by a unanimous vote reversed an anti-Communist ruling by the New York Court of Appeals. Both liberal victories, though limited, indicate that changes in political climate and in the composition of the Court may yet alter the outlook, particularly as so many questions involved in the Internal Security Act are yet to be adjudicated.

Not "Pertinent"—By 165 Miles

In the Deutch case, Stewart ruled for the majority, with Frankfurter, Harlan, Clark and Whittaker dissenting, that Mr. Deutch could go free because the House Committee had announced that the subject of the hearings at which he was questioned was Communism in the Albany, N.Y., area. The majority ruled that the questions asked Mr. Deutch were not "pertinent" since these were about Communist activities in Ithaca, 165 miles from Albany! We must be grateful for these small geographical mercies.

The other liberal decision was given added importance because it was the first in which the Supreme Court has passed on the 1954 amendments to the Internal Security Act. One of these, in an effort to put the Party effectively outside the law, declared it was not entitled "to any of the rights, privileges or immunities" conferred by any laws of the United States. Relying on this the New York State authorities terminated the Party's registration under unemployment insurance law, depriving its employes of jobless pay. Mr. Justice Harlan held for a unanimous Court that New York was wrong in its reading of the 1954 Act though its Section 2 declares the Communist Party an outlaw and this has been the unspoken premise of recent Frankfurter-Harlan rulings.

Herman Kahn and The Pacifists

"The list [of those who might push the buttons and start a nuclear war] is infinite. The RAND Corporation's genial and gigantic Herman Kahn, a physicist, has sounded out some militant pacifist groups. 'They're getting madder and madder,' he said, 'and they believe in taking the law into their own hands.' Might such men join the Air Force, get an assignment on or near a missile base—perhaps as guards or typists—'borrow' service manuals and attempt to put their knowledge to use? Or might civilian outsiders, possibly groups of pacifist fanatics, equipped by Communists with detailed firing instructions, sneak into launch-control systems? After all, the Russians, too, would like world opinion to force us into a safer—and less alert—defense posture. What better way to generate the required pressure than an accidental 'American' nuclear firing?"

—The Chances of Accidental War, by Peter Wyden (Associate Editor), Saturday Evening Post, June 3.

Distinguished Group Initiates Pardon Plea to President for Braden, Wilkinson

"We, the undersigned, herewith earnestly support the petition for executive clemency submitted to you by Carl Braden and Frank Wilkinson, whose appeals to the Supreme Court of the United States were denied on February 27, 1961, by a decision of five to four.

"We recognize the right and duty of Congress, acting through its Committees to insist upon answers from witnesses when it seeks information relevant to the proper exercise of its legislative powers, but we share the growing public indignation at the obvious abuses of authority in which the House Committee on Un-American Activities so often indulges and its use of the investigating power of Congress to punish or silence the Committee's critics.

"It is disturbing that these abuses of Congressional authority are not only resulting in a growing number of political prisoners who are imprisoned not because of illegal acts, but because of their ideas, but also in the repression of thought and speech at a time when new and unorthodox ideas are so desperately needed to meet the new and complex problems with which the country and the world are now faced. Only recently, Mr. President, you declared:

" 'For at all levels of our national life, each man is called upon to stand for what he believes to be right against the pressures and opinions of friends, fellow workers, constituents of the force of public attitudes.'

"In the light of that statement we ask you to consider the intent of Mr. Wilkinson and Mr. Braden as they pleaded the First Amendment. When confronted by the question, 'Are you a member of the Communist Party?' it was open to them, by pleading the Fifth Amendment, to refuse to testify and yet escape punishment. But loyalty to the Constitution, as they interpreted it, forbade them to do so. Agreeing with many other Americans, including a strong minority of the Supreme Court, they believed that the Committee's question violated the First Amendment.

"On that ground alone, at the cost of great risk to themselves, they refused to cooperate in the violation. The Committee had forced upon them the necessity of making a choice between obedience to a Congressional statute and obedience to Constitutional principle. When they chose the latter, rejecting the former, they were not flouting a law for their own personal advantage. They were, as you suggest, 'standing for what they believed.' That choice may have been made in error just as may the dissenting opinions of members of the Court. But the punishment of such an error by 'imprisonment in a common jail for 12 months' gives notice to all the world that We, the People of the United States are not 'politically free.'

"We therefore appeal to you, Mr. President, in the name of the most sacred principles of the Constitution, that you exercise in these cases the power to grant reprieves and pardons which the Constitution wisely delegates to the holder of your high office."

Initiating Signatures: John Haynes Holmes, James Imbrie, Alexander Meiklejohn, Aubrey W. Williams, Martin Luther King, Jr., Herman H. Long, Dorothy Marshall, Reinhold Niebuhr, Robert W. Kenny, Henry S. Commager, Grenville Clark, Justine Wise Polier, Irving Dilliard, Algernon D. Black, Helen L. Buttenwieser, Roland Gittelsohn, Dean John C. Bennett, Clarence Pickett (160 N. 15th St., Philadelphia 2, Pa.).

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An Appeal the Press Ignored During JFK's Visit to England and an FBI Man Received

Exclusive: Text of Lord Bertrand Russell's Open Letter to President Kennedy

To the President of the United States of America:

"In your visit to Great Britain on June 5, which we must all hope will prove fruitful, it is important that you should take cognizance, not only of governmental opinion, but also of that very large and rapidly growing section which is opposed to the establishment of a Polaris base, whether at Holy Loch or elsewhere on British territory. There have already, as you know, been preliminary protests, but very much larger protests are to be expected and are being planned. So far as present plans are concerned, these will culminate in nationwide action in September. I have been asked by the Committee of 100, of which I am President, to put before you the reasons for such action.

"There are, it seems to me, three kinds of reasons that justify our protests and such as should carry weight with the United States Government.

"The first of these reasons is the importance of preserving the hitherto cordial relations between the United States and Great Britain, not only in Government circles, but in public opinion. It is inevitable, though profoundly regrettable, that agitation against a Polaris base in Great Britain should generate some antagonism, not only to the policy of the British Government, but also to that of the United States. We must all wish that such antagonism should not increase.

Doubts As to British Safety

"A second reason is concerned with doubts as to the safety of the population of Great Britain. Experience has shown that there is uncertainty as to where missiles will land and, in a time of crisis, it would probably be impossible for the British authorities to exercise any degree of control over the action of Polaris submarines. There is a distinct possibility, which has been emphasized by your most authoritative writer Herman Kahn, that, so long as there is a Polaris base in Britain, Russia might retaliate against Britain alone. Such retaliation might, and probably would, destroy the whole population of Britain in the course of, at most an hour, without (again I quote Herman Kahn) provoking American retaliation. It is very questionable whether British membership of NATO, and British permission of American bases on our territory, add anything to the strength of America, while, on the contrary, they impose upon America an onerous obligation which it may prove impossible to fulfill.

"Third, the supreme interest of the whole world—East and West and uncommitted nations alike—is the prevention of nuclear war. A rapidly growing body of opinion in this country believes that Britain could be more effective in preventing a nuclear war as a neutral by helping to suggest agreements which could be accepted by both East and West. Hitherto proposals by either East or West have been unacceptable to the other side for reasons, partly of prestige, and partly of suspicion. Proposals by neutrals would obviate these difficulties. Such a policy would not imply that Britain should withdraw from the search for the solution of world problems, but, on the contrary, should seek such solution in ways promising more hope of success than those which have hitherto been pursued in East-West negotiations.

"The danger of a nuclear holocaust is the most terrible of all those that face the world at the present time, and those for whom I speak are persuaded that what Britain can do to diminish this danger can best be done by the adoption of a radically new policy by the British Government—a policy devoted to the presentation of world peace rather than to the entirely illusory hope of the victory of one side. It is in the hope that such a change of policy could be carried out without diminution of friendly relations with the United States that I am sending you this open Letter.

"Yours faithfully,

Bertrand Russell

MacArthur Agrees With Russell on War

"It may take another cataclysm of destruction to prove the bald truth that further evolution of civilization cannot take place till global war is abolished. No longer can it be a successful weapon of international adventure. If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of the duel. It contains only the germs of double suicide."

—General Douglas MacArthur at Michigan State Univ. commencement, East Lansing, Mich., June 11.

Background of The Letter: British Press Tries to Blackout Peace Movement

The letter above from Bertrand Russell to President Kennedy was delivered to the U.S. Embassy in London on the occasion of Kennedy's recent visit. Two delegates from the newly formed Committee of 100 which Lord Russell heads were allowed only to give the letter to a Mr. Campbell of the FBI. The letter was released to the British press along with an announcement of a massive demonstration planned by the Committee of 100 for September in which 10,000 would block the roads of central London and 2,000 occupy the piers of Holy Loch to immobilize the Polaris base at that Scottish port. But the letter was reported only in The Guardian (Manchester) and the London Daily Worker, and ignored by U.S. correspondents.

A correspondent writes us that the British press is now doing its best to blackout news of the growing movement of resistance to war preparations dramatized by the vast marches and the Holy Loch demonstrations.

When the U.S. peace marchers arrived on the eve of the Kennedy visit, the government was anxious that the American marchers and Mr. Kennedy's arrival not be too closely associated. The press conference given by the marchers was well attended but almost wholly unreported. The picketing by the Americans of the Defense Ministry was ignored, and little coverage was given the rally in Trafalgar Square where 8,000 turned out to give A. J. Muste and Bradford Lyttle what our correspondent describes as "a tumultuous ovation." After the rally, the Americans led the 8,000 in a march through London which coincided with the President's arrival. A section greeted Kennedy at the airport.

We have received and hope to print in an early issue an abridged version of the moving speech made recently by Lord Russell to the National Youth section of the Campaign for Nuclear Disarmament in which he explained why he thought civil disobedience a necessary tactic in the campaign against war. This eloquent plea by Britain's greatest living philosopher was subjected to savage distortion in the press.

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7-2 Ruling Allows Nuclear Plant to Proceed Before Safe Operation Assured

A Supreme Court Decision Which May Spell Atomic Danger for Detroit

When the Auto Workers and the AFL-CIO Electrical Workers began their long fight against the erection of a nuclear power plant near Detroit, Senator Clinton P. Anderson of New Mexico, then chairman of the Joint Congressional Committee on Atomic Energy, predicted that this would get to be a contest "between money and human lives." Money won when the Supreme Court, 7 to 2, reversed the Court of Appeals for the District of Columbia, and allowed a combine headed by Detroit Edison to go ahead with construction of the plant before it was certain that it could be operated safely.

The Court of Appeals here (first 2-to-1, the majority being Edgerton and Bazelon, then on rehearing by the full bench 5-to-2) had upheld the unions' complaint that the AEC had had no right to authorize construction when its own Advisory Committee on Reactor Safeguards failed to approve the plans as safe. The AEC without public hearings nevertheless issued a "provisional construction permit."

Unrealistic Majority View

The majority, speaking through Mr. Justice Brennan, accepted the utility view that the safety findings could be made after construction had been completed. "But when that point is reached," Mr. Justice Douglas protested in his dissent with Mr. Justice Black, "when millions have been invested, the momentum is on the side of the applicant not on the side of the public. The momentum is not only generated by the desire to salvage an investment. No agency wants to be the architect of a 'white elephant'."

The Department of Justice, in arguing this case, and the majority in deciding it, misrepresented the intent of Congress and of the Joint Committee. We hope that Senator Anderson will move to amend the act and make clear that the AEC was never intended to authorize an atomic plant until the plans had been certified by its experts as safe.

The day after the Court's decision, the Joint Committee opened hearings on the disaster which took three lives last January in the SL-1 reactor accident in Idaho. The first witness, AEC Commissioner Robert E. Wilson, had the candor to admit that the accident might have been prevented but for six failures on the part of the managing and regulating authorities.

An article in *Harpers* for June, "A Small Atomic Accident" by the physicist Ralph E. Lapp, provides a vivid account of the Idaho accident and says it "underscores the importance of thoroughly testing new reactor types at remote sites like the Idaho AEC station before they are used in power plants near large cities. A 'large' atomic accident involving widespread radioactive contamination of a metropolitan area would be a national disaster." Detroit ignores this at its peril.

Slap-On-the-Wrist for Gen. Walker

When we phoned the Pentagon to ask just what was meant by the "official admonition" to Major General Edwin A. Walker in Germany, we were told that it was an "administrative admonition", and made "orally" and would not go down in the General's record. "So," we said, "this was about the mildest thing they could have done to him." The Colonel to whom we were speaking answered, "You have summarized it well, sir." Had General Walker's "injudicious" remarks been of a Leftist variety instead of crypto-Fascist, we can't imagine his getting off with a slap on the wrist which paid tribute, as the Army release did, to his "sincerity of purpose." We think it was a mistake to leave the investigation of General Walker's activities and his "pro-Blue" program of indoctrination to his own superior officer, Gen. Bruce C. Clarke. His report is being kept secret; the meagre press release says nothing of the "pro-Blue program except that it was "not attributable" to the Birch Society. The fact is, as Norman Thomas protested recently to Secretary of Defense McNamara, that similar paranoid material is being used widely for indoctrination purposes by the armed forces, notably the movie, "Communism on the March" which was produced by another crackpot outfit. At a time when events in Korea, Algeria and elsewhere have shown the dangers to free government from an overgrown military establishment, the Walker case is a symptom, calling attention to a disease. We hope the White House which forced this action in the first place will order a fuller civilian inquiry. Rightist minded Generals, who see Reds under every bed, are a potential danger to our Republic, too.

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